IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 30110 of 2007(H)

PETITIONER:

K.K.IBRAHIM, PROPRIETOR,
SHAJI MATCH INDUSTRIES,
KUTHAMPALLY, THIRUVILWAMALA,
THALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

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1. THE TAHSILDAR, THALAPPILLY,
WADAKKANCHERY, THRISSUR DISTRICT.

2. THE VILLAGE OFFICER,
KANIYARKODE VILLAGE,
THALAPPILLY TALUK,
THRISSUR DISTRICT.

3. YUSUF, S/O AHAMMED,
RESIDING AT AMINA MANZIL,
MALAMPUZHA, PALAKKAD DISTRICT.

*4. SALES TAX OFFICER,
DEPT. OF COMMERCIAL TAXES,
WADAKKANCHERRY, THRISSUR DISTRICT.

ADDL. RESPONDENT NO.4 IS IMPLEADED AS PER ORDER DT. 19.10.2007 IN I.A. 14018/07.

BY GOVT. PLEADER SRI. MATHEW VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C). NO. 30110 OF 2007

Dated this the 19th day of October, 2007

J U D G M E N T

Petitioner, who is an assessee to Sales Tax, has defaulted payment of the same and therefore action has been taken against the petitioner under the Revenue Recovery Act. Properties of the petitioner have been attached by the respondents for realisation of an amount of Rs.4,22,742/- plus interest. By Ext.P1 notice, the said property is sought to be sold. Petitioner contends that he will pay the entire amount due and the sale of the property may be deferred.

2. I heard learned counsel for the petitioner and the learned Government Pleader.

3. In the circumstances, the writ petition is disposed of with the following directions:

(i) Petitioner shall file a representation before the 1st respondent intimating the time frame within which he can pay the entire amount due from him by way of Sales Tax arrears, within three weeks from today.

(ii) The 1st respondent shall look into such request made by the petitioner and pass an order permitting the petitioner to pay the total amount due, within a time frame indicated in the said order to be passed by the 1st respondent.

(iii) Such orders shall be passed within one month from the date of receipt of the representation by the petitioner. Sale of the property scheduled by Ext.P1 shall be deferred for a period of two months if the petitioner pays an amount of Rs.2,00,000/- within a period of one month from today and produces evidence regarding such remittance before the 1st respondent. The 1st respondent shall take a decision as regards the time frame for remittance as also the quantum of the balance amount, which is to be paid by the petitioner, after getting the necessary details from the additional 4th respondent namely, The Sales Tax Officer, Department of Commercial Taxes, Wadakkancherry, Thrissur District.

V.GIRI, JUDGE

vps